

FIRST REGULAR SESSION

SENATE BILL NO. 461

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Read 1st time February 7, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1857S.011

AN ACT

To amend chapter 27, RSMo, by adding thereto one new section relating to immigration enforcement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 27, RSMo, is amended by adding thereto one new section, to be known as section 27.110, to read as follows:

27.110. 1. The attorney general shall pursue a memorandum of understanding under 8 U.S.C. 1357(g), between the state of Missouri and the Attorney General of the United States or the appropriate federal agency designated by the Attorney General of the United States, to permit the enforcement in this state of federal immigration laws, including the apprehension, detention, and investigation of illegal aliens located in this state.

2. The attorney general shall designate appropriate law enforcement officers to be trained in the enforcement of the relevant federal immigration laws, as the memorandum specifies. Any law enforcement officer designated to receive training shall be trained as the memorandum of understanding specifies.

3. A law enforcement officer who is certified as being trained in accordance with the memorandum of understanding shall enforce the federal immigration laws while performing within the scope of that law enforcement officer's authorized duties. No law enforcement officer shall enforce the federal immigration laws unless that law enforcement officer has received adequate training designated in the memorandum of understanding.

4. The memorandum of understanding shall ensure that no law enforcement officer is expected or required to violate or otherwise fail

22 to maintain the standards of conduct of the state or political
23 subdivision that employs the law enforcement officer, is required to fail
24 to abide by any restrictions or limitations otherwise imposed by law,
25 or is required to fail to abide by rules, standards, or policies of the
26 employing state or political subdivision that employs the law
27 enforcement officer. Nothing in the memorandum of understanding
28 may authorize or be construed to authorize a law enforcement officer
29 to stop or detain any person solely for the purpose of determining the
30 person's alien, illegal alien, immigrant, or nonimmigrant status.

31 5. Prior to requiring any law enforcement officer to be trained
32 under this section, the attorney general shall reach an agreement with
33 the United States Department of Homeland Security and the United
34 States Department of State under which those departments agree to
35 reimburse the costs that the state and political subdivisions incur
36 during the training required under this section and any subsequent
37 arrest, incarceration, or detainment of illegal aliens in this state. The
38 director of the department of revenue shall adopt rules that set forth
39 procedures for the state and political subdivisions to follow in
40 reporting costs to the director and for the director to follow in
41 distributing the reimbursements to the state agencies and political
42 subdivisions under this section.

43 6. Any rule or portion of a rule, as that term is defined in section
44 536.010, RSMo, that is created under the authority delegated in
45 subsection 5 of this section shall become effective only if it complies
46 with and is subject to all of the provisions of chapter 536, RSMo, and,
47 if applicable, section 536.028, RSMo. This section and chapter 536,
48 RSMo, are nonseverable and if any of the powers vested with the
49 general assembly pursuant to chapter 536, RSMo, to review, to delay
50 the effective date, or to disapprove and annul a rule are subsequently
51 held unconstitutional, then the grant of rulemaking authority and any
52 rule proposed or adopted after August 28, 2007, shall be invalid and
53 void.

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